

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| In re Application of: |) | |
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| Nobohiko NOMURA et al. |) | Group Art Unit: 1642 |
| |) | |
| Application No.: 10/765,048 |) | Examiner: Brandon J. FETTEROLF |
| |) | |
| Filed: January 28, 2004 |) | |
| |) | |
| For: APOPTOSIS INDUCER AND |) | Confirmation No.: 9606 |
| METHOD OF SCREENING FOR A |) | |
| SUBSTANCE INHIBITING |) | |
| ACYLATED HOMOSERINE |) | |
| LACTONE |) | |

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(d)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(d), Applicants bring to the attention of the Examiner the documents on the attached listing. This Information Disclosure Statement is being filed after a Final Office Action but before payment of the issue fee and is accompanied by a fee of \$180.00 as specified under § 1.17(p) and a statement as specified under § 1.97(e).

The following constitutes the statement specified by Section 1.704(d) required to avoid a negative patent term adjustment. Each item of information contained in this Information Disclosure Statement was first cited in a communication from the Japanese Patent Office in a counterpart foreign application, and this communication was not received by any individual designated in § 1.56(c) more than thirty days prior to the filing of this Information Disclosure

Statement. In accordance with 37 C.F.R. § 1.704(d), no negative patent term adjustment will result from this Information Disclosure Statement.

Copies of the listed non-patent literature documents are attached. We will provide an English translation of the listed communication from the Japanese Patent Office shortly.

Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claims in the application and Applicants determine that the cited documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such documents.

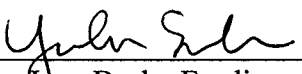
Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: June 3, 2008

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